

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

PUERTO RICO TELEPHONE CO.,

Plaintiff,

v.

MUNICIPALITY OF PONCE, and the
HONORABLE FRANCISCO ZAYAS
SEIJO,

Defendants.

Civil No. 05-2224 (JAF)

O R D E R

The court **notes** defendants' "Motion Regarding Proceedings," filed September 29, 2006, Docket Document No. 16. There, defendants concede that the ordinance challenged in the present case is, for all practical purposes, null and void, by virtue of the decision by the First Circuit Court of Appeals in Puerto Rico Telephone Company, Inc. v. Municipality of Guayanilla, No. 05-1400, 2006 WL 1545067 (1st Cir. June 7, 2006) (municipal ordinance preempted by § 253 of the Federal Telecommunications Act), and consent to the entry of declaratory judgment.

Therefore, the court **grants** Plaintiff's request for Declaratory Judgment, Docket Document No. 1, against the defendants, Municipality of Ponce and Francisco Zayas Seiyo, for the same reasons as the Municipality of Guayanilla precedent, which is directly on point.

